

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THOMAS BRAGG,)	CASE NO. 3:13 CV 1477
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>MAGISTRATE'S REPORT AND</u>
)	<u>RECOMMENDATION</u>
WARDEN, LONDON CORRECTIONAL)	
INSTITUTION,)	
)	
Respondent.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Greg White. The Report and Recommendation (ECF # 12), issued on November 7, 2014, is hereby ADOPTED by this Court. Petitioner filed this action requesting a writ of habeas corpus pursuant to 28 U.S.C. §2254, challenging the constitutionality of his conviction of attempted murder. The Respondent filed an Answer/Return or Writ on November 25, 2013, asserting that the petition for a writ of habeas corpus should be dismissed because Petitioner's claims are time-barred or alternatively, are lacking in merit. (ECF#11)

The Magistrate Judge recommends that the Petitioner's claims be denied because they are time barred. The Petitioner has not filed any objections to the Report and Recommendation.

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999), and ADOPTS it in its entirety. The petition is, therefore, denied, and the case is dismissed. Further, for the reasons stated in the Magistrate Judge's Report and Recommendation, a reasonable jurist could not

conclude that dismissal of the Petition is in error or that Petitioner should be permitted to proceed further. Accordingly, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

DATED: November 3, 2014


DONALD C. NUGENT
United States District Judge